REMARKS

Claims 1-11 and 12-46 are pending on this application. Claim 12 has been cancelled.

In the recent non-final Office Action, the Office has rejected claims 1-46 as follows: claim 1-

5, 24 and 44 are rejected under 35 USC § 102(b) as being anticipated by Lane et al.; claims

32-34 are rejected under 35 USC § 102(b) as being anticipated by Wolfberg et al.; claims 6-8

and 25-29 are rejected under 35 USC § 103(a) as being unpatentable over Lane et al.; claims

9-17, 19-21, 23, 45 and 46 are rejected under 35 USC § 103(a) as being unpatentable over

Lane et al. in view of Halley et al.; claims 18 and 22 are rejected under 35 USC § 103(a) as

being unpatentable over Lane et al. in view of Halley et al. and further in view of Lewellen;

claims 30 and 31 are rejected under 35 USC § 103(a) as being unpatentable over Halley et al.

in view of Lane et al. and further in view of Halloran et al.; claims 35-43 are rejected under

35 USC § 103(a) as being unpatentable over Lane et al. in view of Wolfberg.

Rejection of Claims 1-5, 24 and 44 in View of Lane et al. under 35 USC 102

Independent claims 1, 24 and 44 are presented as follows:

1.   A method for modeling an investment fund mix to produce a projected
guaranteed accumulation investment amount for a user over a predetermined time
period equal to at least a preselected guaranteed accumulated investment amount
selected by the user comprising the steps of:
        designating funds for investment to produce the fund mix;
        comparing a diversification guideline to the fund mix;
        completing an information file for the user;
        determining a pattern of investments to meet the preselected guaranteed
amount;
        applying the diversification guideline to the information file to determine
whether the information file meets the guideline;
        automatically calculating the projected guaranteed amount; and
        comparing the projected guaranteed amount to the preselected guaranteed
accumulated investment amount.

24.   A method for modeling a fixed retirement income amount for a user over a
predetermined time period after a preselected delay period comprising the steps
of:

14

a.   inputting an issue commission of zero percent, a best estimate for treasury security yields, and a plurality of additional basis point spreads;

b.   automatically applying an annuity calculator to produce a current projected fixed retirement income amount; and

c.   automatically repeating steps a and b for a range of treasury security yields and for each of the plurality of additional basis point spreads.

44.   A method for determining a reserve for an investment fund mix producing a guaranteed accumulation investment amount for a plurality of users over a predetermined time period, wherein the investment fund mix includes a plurality of selected funds, each of the plurality of selected funds having a value, comprising the steps of:

automatically identifying for each of the plurality of users each of the plurality of selected funds for which the value of the selected fund is less than the guaranteed accumulation investment amount;

automatically summing the difference between each of the plurality of selected funs for which the value of the selected fund is less than the guaranteed accumulation investment amount for each of the plurality of users to produce a total difference; and

automatically increasing the total difference by a reserve factor.

In order to maintain an anticipatory rejection under 35 USC 102, a reference must teach every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.). Referring to claim 1, Lane et al. fail to teach or suggest at least the following limitations:

- a preselected guaranteed accumulated investment amount selected by the user

- comparing a diversification guideline to the fund mix

Referring to claim 24, Lane et al fail to teach or suggest at least the following limitations:

- modeling a fixed retirement income amount for a user over a predetermined time period after a preselected delay period

- inputting an issue commission of zero percent

15

Referring to claim 44, Lane et al fail to teach or suggest at least the following limitations:

- determining a reserve for an investment fund mix producing a guaranteed accumulation investment amount for a plurality of users over a predetermined time period

- automatically identifying for each of the plurality of users each of the plurality of selected funds for which the value of the selected fund is less than the guaranteed accumulation investment amount

- automatically summing the difference between each of the plurality of selected funs for which the value of the selected fund is less than the guaranteed accumulation investment amount for each of the plurality of users to produce a total difference

- automatically increasing the total difference by a reserve factor

Clearly, Lane et al. does not qualify as an anticipatory reference with respect to independent claims 1, 24 and 44 as Lane fails to teach or suggest numerous limitations set forth therein. The undersigned has attempted to follow the Office's rejection with respect to the Lane reference, but, for example, fails to see how "see claim 15, it is obvious that the commission can be calculate [sp?] considering different parameters" has anything to do with the "inputting an issue commission of zero percent" limitation of claim 24? How is claim 15 relevant to rejecting claim 24? OR how a table showing contingent trading strategies meets all of the limitations of claim 44 per the Office's rejection, page 6.

The undersigned respectfully submits that independent claims 1, 24 and 44 are allowable over the cited art. Further, claims 2-5, 25, 26, 45 and 46,are also allowable as they contain the limitations of the claims on which they depend.

Rejection of Claims 32-34 in View of Wolfberg et al.

Independent claim 32 is presented as follows:

16

32.   A method for combining electronic fund reports for a client for a plurality of funds and a plurality of transactions for the plurality of funds wherein each of the plurality of funds has an amount, comprising the steps of:

       automatically determining whether all of the plurality of funds have reported;

       automatically matching the plurality of transactions to the plurality of funds;

       determining whether diversification guidelines are met for the plurality of funds and plurality of transactions;

       automatically generating withdrawal and deposit instructions for the plurality of funds; and

       automatically determining whether the total contributions exceed a predetermined amount.

Wolfberg et al. fail to teach or suggest at least "determining whether diversification guidelines are met for the plurality of funds and plurality of transactions." On page 7 of the Office Action, the Office directs the undersigned to Col. 3, lines 4-41 and Col. 33, lines 51-55, implying that "means for updating the investment" and "target" teach this limitation. The undersigned fails to see the word "target" in lines 51-55 of Col. 33 and fails to follow the Office's argument. Since a reference must teach each and every limitation of a claim in order to anticipate the claim, Wolfberg et al. does not qualify as an anticipatory reference. The undersigned kindly request withdrawal of this rejection. Additionally, there are numerous limitations in dependent claims 33 and 34 that are not taught by Wolfberg et al., contrary to the assertions of the Office. Arguments are reserved since the independent claim 32 is asserted to be allowable.

Rejection of Claims 6-8 and 25-29 in View of Lane et al. under 35 USC 103

Independent claims 6 and 27 are presented as follows:

6.   A method for identifying a fund mix producing a projected accumulation investment amount exceeding a preselected amount for a user comprising the steps of:

       inputting a time period for producing the maximum accumulation investment amount;

       inputting a probability of the projected accumulation investment amount exceeding the preselected amount;

automatically searching predetermined probability distributions for potential funds for the fund mix;

automatically listing a plurality of potential funds by projected accumulation investment amount produced using the predetermined probability distributions for the potential funds;

comparing a diversification guideline to the plurality of potential funds; and

automatically combining a plurality of potential fund meeting the diversification guideline to produce an optimum fund mix that will produce a projected accumulation investment amount exceeding the preselected amount.

27.   A method for pricing fund charges for an investment fund equal to at least a preselected guaranteed accumulation investment amount over a predetermined time period selected by a user comprising the steps of:

creating a plurality of information sets corresponding to a plurality of potential users;

automatically projecting a plurality of monthly charges for producing a plurality of projected guaranteed accumulation investment amounts for each of the plurality of information sets;

automatically deducting and accumulating the plurality of monthly charges;

for each of the plurality of projected guaranteed accumulation investment amounts, automatically adding the accumulated monthly charge and subtracting the projected guaranteed accumulation investment amount to produce a probability distribution providing a range of net values; and

selecting one from the plurality of monthly charges that produces zero value for the probability and distribution produced.

According to well-established precedent, the examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. Further, in order to establish a *prima facie* case of obviousness, three basic criteria must be met:

(1)   there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;

(2)   there must be a reasonable expectation of success; and

(3)   the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Further, the teaching or suggestion to make the claimed combination and the reasonable

expectation of success must both be found in the prior art, not in applicant's disclosure. *In re*

Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).   In this case, the Office has failed

to meet at least the third basic criteria as Lane does not teach or suggest all of the claim

limitations. For example, with respect to claim 6, Lane does not teach or suggest at least:

- comparing a diversification guideline to the plurality of potential funds

- automatically combining a plurality of potential fund meeting the diversification

  guideline to produce an optimum fund mix that will produce a projected accumulation

  investment amount exceeding the preselected amount

And with respect to claim 27, Lane does not teach or suggest at least:

- a preselected guaranteed accumulation investment amount

- automatically projecting a plurality of monthly charges

- automatically deducting and accumulating the plurality of monthly charges

- automatically adding the accumulated monthly charge and subtracting the projected

  guaranteed accumulation investment amount to produce a probability distribution

  providing a range of net values

- selecting one from the plurality of monthly charges that produces zero value for the

  probability and distribution produced

Clearly, the Office has failed to establish a *prima facie* case as Lane fails to teach or suggest

numerous limitations set forth at least independent claims 6 and 27. The undersigned has

attempted to follow the Office's rejection with respect to the Lane reference, but, for

example, fails to see how any language on page 104 or in Table 3 describes "comparing a

diversification guideline..." or Table 7 described monthly charges and the numerous

limitations associated therewith from claims 27.

The undersigned respectfully submits that independent claims 6 and 27 are allowable

over the cited art. Further, claims 7, 8, 25, 26, 28 and 29,are also allowable as they contain

the limitations of the claims on which they depend, which undersigned submits are allowable

(see above with respect to claim 24).

Rejection of Claims 9-17, 19-21, 23, 45 and 46 in View of Lane et al. and Halley et al. under 35 USC 103

Claim 9 as amended reads as follows:

> 9.   A method for projecting an accumulated investment amount for a portfolio
> having a plurality of funds over a preselected time period for a user, comprising
> the steps of:
>   inputting initial and periodic contributions and fund allocations for the
> plurality of funds;
>   completing a projection method parameters file in which various
> parameters are identified, including parameters set by the user based upon
> investment goals selected by the user;
>   automatically calculating the time needed to process a projection of the
> accumulated investment amount for the portfolio having the plurality of funds;
> and
>   automatically performing [[a]] the projection of the accumulated
> investment amount for the portfolio having the plurality of funds.

Claim 9 has been amended to include the limitation of claim 12. Contrary to the Office's

assertions, Lane combined with Halley, fail to teach or suggest the limitations of claim 9 as

amended. More particularly, there is no teaching or suggestion of "automatically calculating

the time needed to process a projection of the accumulated investment amount for the

portfolio having the plurality of funds." The Office appears to confuse this limitation with

teachings in Lane regarding the forecasted returns, e.g., 5 year yields, etc. This limitation is

directed to the amount of time that the system of the present invention will take to determine

these projections and the projected investment amount for the portfolio. Lane clearly does

not make these time determinations and certainly does not do so automatically.

The undersigned respectfully submits that independent claims 9 are allowable over the

cited art. Further, claims 10, 11 and 13-23 and 45 and 46 are also allowable as they contain

the limitations of the claims on which they depend, which undersigned submits are allowable

(see above with respect to claim 44).

Rejection of Claims 18 and 22 in View of Lane et al., Halley et al. and Lewellen under 35 USC 103

Claim 9, upon which claims 18 and 22 depend, is submitted to be allowable for the

reasons set forth above. Accordingly, claims 18 and 22 are believe to be allowable for these

reasons as well. Arguments are reserved with respect to the dependent claims.

Rejection of Claims 30 and 31 in View of Halley et al., Lane et al. and Halloran et al. under 35 USC 103

Independent claim 30 includes the following limitations:

> 30.   A method for processing a selected guaranteed accumulation investment
> amount for a user over a predetermined time period equal to at least a preselected
> guaranteed accumulated investment amount selected by the user comprising the
> steps of:
> > inputting a plurality of funds each of the plurality of funds having a value;
> > automatically generating a fund guarantee statement;
> > automatically generating a probability distribution of projected
> accumulation amounts;
> > automatically deducting a charge on a periodic basis; and
> > automatically generating an electronic fund report.

None of the references cited teach or suggest a guaranteed accumulation investment amount

or the generation of a fund guarantee statement. The cited references at most teach processes

for calculating approximate rates of return on a portfolio and predicting profit maximizing

activities --- the reference do not guarantee pre-selected. accumulation investment amounts

selected by the user. Accordingly, claims 30 and 31 are believed to be allowable over the

cited art.

Rejection of Claims 35-43 in View of Lane et al. and Wolfberg et al. under 35 USC 103

Independent claims 35 includes the following limitations:

35.   A method for processing for a user a guaranteed accumulation investment
amount for a plurality of variable annuities with a fixed retirement income
guaranteed amount having a maturation date comprising the steps of:
        inputting user specific data;
        automatically generating a proposal for a guaranteed minimum benefit
rider;
        automatically generating a contract data page;
        automatically issuing a contract with a guaranteed minimum income
benefit rider;
        automatically deducting a daily cost charge;
        receiving transactions for the account;
        comparing a variable annuity diversification guideline to the received
transactions for the account;
        automatically generating withdrawal and deposit instructions for the
received transactions;
        automatically determining whether the total contributions exceed a
predetermined amount;
        automatically determining the guaranteed accumulation investment
amount; and
        automatically periodically transmitting information about the account to
the user.

Neither Lane nor Wolfberg teach or suggest at least:

- a guaranteed accumulation investment amount

- automatically generating a proposal for a guaranteed minimum benefit rider

- automatically issuing a contract with a guaranteed minimum income benefit rider

- automatically deducting a daily cost charge

- comparing a variable annuity diversification guideline to the received transactions for

  the account

The undersigned has attempted to follow the Office's rejection with respect to the Lane

reference, but, for example, fails to see how the following paragraph from Wolfberg et al.

(Col. 23, lines 55-66; see page 26 of Non-final Office Action) cited by the office teaches or

suggests "automatically issuing a contract with a guaranteed minimum income benefit rider" as

proposed by the Office:

> Turning now to the flowcharts shown in FIGS. 11-15, FIG. 11 shows the
> PROCESS SERVICE REQUESTS routine which is depicted at block 212 in the
> software element subsystem diagram shown in FIG. 7. After the PROCESS
> SERVICE REQUESTS routine is entered (300), the client account number and
> account ID is read from the operator terminal 9 shown in FIG. 1. These account
> numbers and ID numbers are obtained by the operator from the client who is
> attempting to make a transaction (302). Thereafter, the client account file is
> retrieved from disk and the client ID number is retrieved from the ID file (304).

The other arguments presented by the Office are similarly vague and off point. Accordingly

claim 35 is believed to be allowable over the cited art. Further, claims 36-43 are also

allowable as they contain the limitations of claim 35 on which they depend.

CONCLUSION

For the reasons set forth herein, the undersigned submits that the claims are allowable

over the cited art and respectfully requests a notice of allowance to this effect. Should the

Office feel that contacting undersigned will expedite prosecution, please do not hesitate to do

so at the number provided below.

Respectfully submitted,

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24